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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,586	10/02/2003	Rodolphe Marsot	704-011550-US(PAR)	8195
2512	7590	05/23/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,586

Applicant(s)

MARSOT, RODOLPHE

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/02/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on October 2, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the examiner is considering the information disclosure statement.

Claim Objections

2. **Claim(s) 1** is objected to because of the following informalities: line 1 "the greeting message" is not clear which "greeting message" the claim is referring to. Correction is required.

Claim(s) 5, line 1 "the greeting message" is not clear which "greeting message" the claim is referring to and line 6 "the sender" is not clear which "sender" the claim is referring to. Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claim(s) 1-6 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii (US 2002/0132612 A1) in view of Picard et al. (US 2004/0146147 A1).

Regarding **claim(s) 1**, Ishii discloses a method for parametrizing the greeting message of a voice mailbox (FIG. 1 and paragraph 0001), characterized in that it comprises the following steps:

a user records a greeting message at a terminal (FIG. 2 and paragraph 0064)

[The transmitting party records a greeting message at the terminal device 10],

the greeting message is compressed at the terminal (FIG. 2 and paragraph 0064)

[The voice spoken by the user is converted to a digital signal and encoded by the CODEC 16 and saved onto the hard disk 11, thereby the greeting message is compressed at the terminal],

a multimedia message comprising the compressed greeting message is produced at the terminal (FIG. 2 and paragraph 0065) [The transmitting party's terminal device 10 transmits the greeting message made up of voice data and music data making the greeting message a multimedia message],

the multimedia message comprises an instruction field to indicate that it is a message (FIG. 2 and paragraph 0066) [The service device 30 receives from the transmitting party's terminal device 10 a greeting message, transmitting party ID, and date and time by way of the transmitter-receiver 34 as instruction fields],

the multimedia message is sent from the terminal to a greeting message server (FIG. 2 and paragraph 0065) [The transmitting party's terminal device 10 transmits the greeting message above to the server device 30].

Ishii discloses instruction field specified the type of the message (voice or text) but fails to disclose an instruction field to indicate a greeting message.

However, Picard, in the same field of endeavor, teaches a system that uses a migration server to access voicemail of a source system through a front end switch via a telephony interface and furthermore the multimedia message comprises an instruction field to indicate that it is a greeting message (paragraph 0069) [The XML snippet shows in the first instruction field that the message is audio and also it is a greeting message].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the instruction field and the transmission protocol of Ishii using the XML snippet as taught by Picard.

This modification of the invention enables the system to generate XML instruction field specified the greeting message so that the system would know information about any special configuration for the mailbox (Picard: paragraph 0077).

Regarding **claim(s) 2**, Ishii as applied to **claim(s) 1** above differs from **claim(s) 2** in that it fails to disclose the multimedia message is formatted according to an XML type message.

However, Picard teaches the multimedia message is formatted according to an XML type message (paragraph 0065) [The multimedia message is formatted according to the XML API that identifies the fields of the message].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the transmission protocol of Ishii using the XML snippet as taught by Picard.

This modification of the invention enables the system to generate XML instruction field specified the greeting message so that the system would know information about any special configuration for the mailbox (Picard: paragraph 0077).

Regarding **claim(s) 3**, Ishii as modified discloses a method for parametrizing a greeting message of a voice mailbox, wherein the multimedia message comprises a field identifying the user producing the greeting message (FIG. 2 and paragraph 0065) [The transmitting party's terminal device 10 transmits the greeting message together with a transmitting party ID].

Regarding **claim(s) 4**, Ishii as modified discloses a method for parametrizing a greeting message of a voice mailbox, wherein the multimedia message comprises a piece of format information for the greeting message (FIG. 2 and paragraph 0065) [The

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transmitting party's terminal device 10 transmits the greeting message made up of text data, voice data or music data].

Regarding **claim(s) 5**, Ishii discloses a method for the parametrizing of a greeting message of a voice mailbox (FIG. 1 and paragraph 0001), characterized in that the method comprises the following steps:

an instruction field, indicating the fact that the multimedia message is a message for the greeting message, is received at a server (FIG. 2 and paragraph 0066) [The server device 30 receives from the transmitting party' terminal device 10 the greeting message and updates its database in the storage unit 31 based on the received data],

the sender of the multimedia message is determined at the greeting message server (FIG. 2 and paragraph 0065) [The server device 30 receives the transmitting party ID for identifying the transmitting party],

the greeting message is extracted from the greeting message server (FIG. 2, TABLE 1 and paragraph 0068) [The storage unit 31 at the server device 30 stores text data, voice data and music data constituting the greeting message],

the greeting message is recorded in a database in being made to correspond, in the database, to the sender of the multimedia message (FIG. 2, TABLE 1 and paragraph 0068) [The storage unit 31 at the server device 30 stores the greeting message associated with the transmitting party ID as illustrated in TABLE 1 paragraph 0067].

Ishii discloses instruction fields specified the type of the message (voice or text) and the server updates the database based on received data but fails to disclose an instruction field to indicate a message for updating the greeting message.

However, Picard, in the same field of endeavor, teaches a system that uses a migration server to access voicemail of a source system through a front end switch via a telephony interface and furthermore an instruction field, indicating the fact that the multimedia message is a message for updating the greeting message, is received at a server (paragraph 0064 and 69) [The XML snippet shows in the instruction field that the message is new and also it is a greeting message, the greeting message server 38 updates the database based on the received instruction field].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the instruction field and the transmission protocol of Ishii using the XML snippet as taught by Picard.

This modification of the invention enables the system to generate XML instruction field specified the greeting message so that the system would know information about any special configuration for the mailbox (Picard: paragraph 0077).

Regarding **claim(s) 6**, Ishii as modified discloses a method for parametrizing of a greeting message of a voice mailbox, wherein the greeting message is transcoded, before recording, as a function of the format used by the greeting message server and as a function of a piece of information on format included in the multimedia message (FIG. 1 and paragraph 0053) [The voice spoken by the user is converted to a digital

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signal and encoded by the encoder 51, channel-coded by CODEC 44 and modulated by the modulator 45 to be transmitted to the server device 30].

Regarding **claim(s) 9**, Ishii as modified discloses a method for parametrizing a greeting message of a voice mailbox, wherein the terminal is a computer (FIG. 1 and paragraph 0035) [The transmitting party's terminal device 10 is structured as a personal computer].

6. **Claim(s) 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii in view of Picard as applied to **claim(s) 1** above, and further in view of Parvulescu et al. (US 6,252,517 B1).

Regarding **claim(s) 8**, Ishii and Picard as applied to **claim(s) 1** above differ from **claim(s) 8** in that it fails to disclose the terminal is a mobile telephone.

However, Parvulescu teaches the terminal is a mobile telephone (FIG. 2 and column 4, lines 1-18) [The user records a voice message in one of the messaging devices 10 on FIG. 2 which are mobile phones].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the terminating party's device of Ishii using the voice messaging device as taught by Parvulescu.

This modification of the invention enables the user to record a voice message using a mobile telephone so that the system would alleviate traffic congestion over the messaging network (Parvulescu: column 3, lines 32-36).

Allowable Subject Matter

7. **Claim(s) 7** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art at this time fails to disclose a request sent from the voice mail server to the greeting message server, the request comprising a called user identifier, the greeting message in the database corresponding to the called user identifier is sent, from the greeting message server and to the voice mail server.

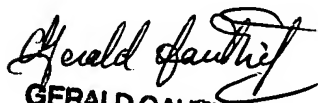
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

g.g.
April 18, 2005